

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WP(C).No. 7666 of 2007(K)

PETITIONER:

SUBHASH.K.P., S/O.RAMAN,
KARADI PARAMBIL, THIRUVODE P.O.,
NADUVANNUR VIA, KOZHIKODE DIST.

BY ADV. SRI.SANTHARAM.P

RESPONDENTS:

1. SECRETARY, DEPARTMENT OF LABOUR AND
REHABILITATION, GOVT. OF KERALA,
THIRUVANANTHAPURAM.
2. DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WELFARE BOARD,
KOZHIKODE DISTRICT.
3. TAHSILDAR,
REVENUE RECOVERY OFFICE, VATAKARA.

BY ADV. P. RAMAKRISHNAN, SC FOR R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P.(C)No. 7666 OF 2007-K

Dated this the 7th day of March, 2007

J U D G M E N T

The petitioner suffered final determination order under the Kerala Motor Transport Workers Welfare Fund Act. He did not file any appeal against that order before the Government within the statutory period. That order has thus, become final. Having not availed any statutory remedy, it may not be proper for the writ court to interfere with the order, in the absence of any jurisdictional error.

2. Having heard the counsel for the petitioner, I do not find any ground to entertain this writ petition. However, having regard to the nature of contentions of the petitioner that he is immediately to have a possession certificate of the property involved in the revenue recovery proceedings, it is directed that if the petitioner remits Rs.5,000/- per month payable on or before the last working day of every month commencing from March 2007 and thus wipes off the entire dues covered by the recovery proceedings, as also accruing incidentals, the

proceedings against the petitioner shall be withdrawn. The pendency of the recovery proceedings is no reason for not issuing a possession certificate. The competent among the revenue authorities, if approached by the petitioner, will issue the possession certificate making reference to this judgment and also showing the amounts due.

The writ petition is disposed of as above.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

ma/